

Serial No.: 09/274,797

Attorney's Docket No.:10559/237001

REMARKS

Claims 37-54 are pending, with claims 37, 45, and 51 being independent. Reconsideration and allowance are respectfully requested in view the following remarks.

Interview Summary:

The telephone interview with the examiner conducted on September 28, 2004 was appreciated. No exhibits or demonstrations were involved. Independent claims 37, 45 and 51 and U.S. Pat. No. 5,528,591 (Lauer) were discussed. No proposed amendments were involved. The arguments presented were as follows: (1) the 102 rejection based on Lauer is improper because Lauer describes determination of credit-based flow control data and not rate-based flow control data as claimed; and (2) Lauer does not describe determining flow control data in response to receipt of a forward resource management control cell as claimed, but rather describes determining flow control data in response to receipt of a backward resource management control cell, or alternatively, determining flow control data periodically. No agreement was reached during the interview.

Serial No.: 09/274,797

Attorney's Docket No.:10559/237001

Rejection under 112:

Claim 41 stands rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. This contention is respectfully traversed.

The language of claim 41 that stands objected to is: "said forwarding the forward resource management control cell occurs before said removing the management event record from the queue." Support for this feature can be found throughout the application as filed, including FIG. 3 and its corresponding description generally, and also page 2, lines 18-21, and page 11, lines 22-26. After reading the specification, one skilled in the art would recognize that removal of a management event record from the queue could occur after forwarding of the corresponding forward resource management control cell, and one skilled in the art would readily understand how to implement this claimed subject matter in view of the detailed description. Thus, the subject matter of claim 41 was described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In view of this, withdrawal of the 112 rejection of claim 41 is respectfully requested.

Serial No.: 09/274,797

Attorney's Docket No.:10559/237001

Rejections under 102:

Claims 37-54 stand rejected under 35 U.S.C. 102(b) as allegedly being unpatentable over Lauer (US Patent 5,528,591). This contention is respectfully traversed.

Determination of a "credit number" in a credit control approach to network communications, as described in Lauer, cannot anticipate determination of "rate-based, flow-control data", as claimed. The clear difference between the two types of data is expressly acknowledged in the Background section of Lauer: "The source then interprets the credit as an indication of the amount of data that it can transmit into the network without any data loss due to congestion or buffer overflow. Note that data rate is not controlled, but the number of cells transmitted is controlled." (See col. 2, lines 5-11; emphasis added.)

Moreover, even assuming that determination of a "credit number" is encompassed by the language "determining rate-based, flow-control data", Lauer still does not teach or suggest the unique timing and interrelation of the processing operations claimed in the present application. Independent claim 37 recites, "determining, after said forwarding, rate-based, flow-control data in the network switch, in response to receipt of a the forward resource management control cell corresponding to a

Serial No.: 09/274,797

Attorney's Docket No.:10559/237001

connection linking a source node and the destination node via the network switch". (Emphasis added.)

Independent claim 45 recites, "management event circuitry operatively coupled to the source port circuitry to receive control cells from the source virtual channel and to compute rate-based, flow-control data in response to receipt of a forward resource management control cell that corresponds to a connection linking a source node and a destination node via the data transmission apparatus, wherein the computation of the rate-based, flow-control data occurs after forwarding of the forward resource management control cell and the computed rate-based, flow-control data is stored before receipt of a backward resource management control cell corresponding to the forward resource management control cell". (Emphasis added.)

Independent claim 51 recites, "means for initiating preparation of rate-based, flow-control data in response to receipt of a forward resource management cell from the source node and before receipt of a backward resource management cell corresponding to the forward resource management control cell, wherein preparation of the rate-based, flow-control data occurs after forwarding of the forward resource management cell and the prepared rate-based, flow-control data is stored before receipt of the backward resource management cell". (Emphasis added.)

Serial No.: 09/274,797

Attorney's Docket No.: 10559/237001

In stark contrast, Lauer describes only two ways of determining the credit number: either "periodically" (see col. 8, lines 38-41) or in response to receipt of a resource management cell from the immediate downstream neighbor (see col. 7, lines 21-27; col. 7, lines 61-65). Under the periodic approach, there is no interrelation between determining the credit number for a particular control cell and receipt of that particular control cell, as would be required to even partially meet the claimed subjected matter.

Additionally, under the other described approach, determining the credit number in response to receipt of a resource management cell from the immediate downstream neighbor clearly means in response receipt of a backward resource management control cell. Thus, under this second Lauer approach, determining the credit number is not done in response to receipt of a forward resource management control cell, after forwarding of that forward resource management control cell. Nor does Lauer teach modifying in the network switch the received backward resource management control cell, before forwarding the backward resource management control cell to the source node, based on the rate-based, flow-control data determined in response to the receipt of the forward resource management control cell. Thus, Lauer fails to teach or suggest

Serial No.: 09/274,797

Attorney's Docket No.:10559/237001

the unique timing and interrelation of the claimed operations of a network switch.

For all of these reasons, independent claims 37, 45, and 51 should be in condition for allowance. Dependent claims 38-44, 46-50, and 52-54 are patentable for the reasons presented above, and on their own merits.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the features which are now claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.


Serial No.: 09/274,797

Attorney's Docket No.:10559/237001

Please apply any necessary charges or credits to Deposit
Account No. 06-1050.

Respectfully submitted,

Date: Oct. 14, 2004


William E. Hunter
Reg. No. 47,671
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10419571.doc